IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6945 OF 2007

Mallayya Dattatraya Swami : Petitioner

versus

Ichalkaranji Urban Co-operative
Bank Ltd., Ichalkaranji,
Dist.Kolhapur & others. : Respondents.

Mr.P.D.Dalvi for the petitioner.
Mr.Amit Borkar for Respondent No.1

CORAM : A.P.DESHPANDE, J.

DATED : SEPTEMBER 29, 2007.

P.C.

1. Respondent No.1 is the Co-operative Bank, which has initiated proceedings against the present petitioner under Section 101 of the Maharashtra Co-operative Societies Act. The petitioner moved an application before the

Assistant Registrar for stay of the proceedings initiated by the Bank under Section 101 of the Co-operative Societies Act on the ground that at a prior point of time, the petitioner has instituted a Dispute against the Bank claiming declaration that the Bank is not entitled to recover the alleged loan of Rs.39/- lakhs. In the Dispute, it is the case of the petitioner that all the documents procured by the Bank for recovery of the loan are forged and fabricated. The Dispute is pending in the Co-operative Court and thus the application purported to have been filed under Section 10 of the Code of Civil Procedure for stay of the proceedings came to be moved before the Assistant Registrar. The Assistant Registrar rejected the application by holding that Section 10 of the CPC has no application to the proceedings under Section 101 of the Co-operative Societies Act and thus, rejected the application. Aggrieved thereby, the petitioner preferred a Revision before the Divisional Joint Registrar and, on rejection of the revision, the present petition has been filed.

2. Perused the order. The Courts below are

right in holding that Section 10 of the CPC has no application to the proceedings under Section 101 of the Maharashtra Co-operative Societies Act and hence the impugned orders cannot be faulted. There being no merit in the petition and the same is summarily dismissed.

[A.P.DESHPANDE,J]